

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

In re:

Timothy Robert Tootle  
264 Johns Cemetery Road, Pulaski, TN 38478  
xxx-xx-9925

BK: 16-01424-RM1-13

Karen Lynn Tootle AKA Karen Martin; AKA Karen Guy  
264 Johns Cemetery Road, Pulaski, TN  
38478  
xxx-xx-8493  
Debtors

---

The Deadline for Filing a Timely Response Is: 6/14/2016  
If a Response Is Timely Filed, the Hearing Will Be: 7/8/2016  
Time: 9:00 a.m. at the Columbia Federal Bldg, 815 S Garden St., Columbia, TN 38401

---

**NOTICE OF MOTION FOR PLAN MODIFICATION**

Timothy Robert Tootle and Karen Lynn Tootle have asked the court for the following relief: Modify the Chapter 13 Plan

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.  
If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).
2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: May 24, 2016

/s/ J. Robert Harlan  
J. Robert Harlan - BPR No. 010466  
Harlan, Slocum & Quillen  
Attorney for the Debtor  
39 Public Square  
PO Box 949  
Columbia, TN 38402-0949  
Phone - 931/381-0660  
Fax - 931/381-7627  
[bob@robertharlan.com](mailto:bob@robertharlan.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

In Re:

Timothy Robert Tootle  
264 Johns Cemetery Road, Pulaski, TN 38478  
xxx-xx-9925

BK: 16-01424-RM1-13

Karen Lynn Tootle AKA Karen Martin; AKA Karen Guy  
264 Johns Cemetery Road, Pulaski, TN 38478  
xxx-xx-8493  
Debtors

MOTION FOR PLAN MODIFICATION

Comes the debtors through counsel and would request the Court to modify the confirmed Chapter 13 plan. This modification is necessary to reflect the changes in the terms of the plan confirmed by Order entered April 20, 2016 (ECF 23) as it pertains to the claim of Ally Bank (ECF claim 1). The parties agreed to treatment for this claim but that treatment was not included in the terms of the confirmed plan. This Order makes those changes to the plan to reflect the agreement of the parties.

The claim of Ally Bank shall be treated as a claim that is not subject to modification under section 506 (a “910 car claim”) to receive a fully secured value of \$28,815.91 with 5.5% interest and a payment of \$551.00 per month as class 3. The Chapter 13 plan payments shall increase to \$243.00 per week and a new payroll deduction order shall issue in that amount. The plan base increases to \$63,180.00 over an estimated plan length of 60 months.

STATEMENT OF IMPACT pursuant to Local Rule 3105-2

1. Change in dividend to unsecured claims: none
2. Change in the length of the plan: none
3. Change in periodic plan payment: Increase to \$243.00 weekly
4. Change in secured claim treatment: Change Ally bank claim to receive a value of \$28,815.91 at \$551.00 per month with 5.5% interest as class 3.

BASED ON THE FOREGOING, the debtors’ request the Court to make the following

changes in the confirmed plan:

1. Increase the Chapter 13 plan payments to \$243.00 per week and issue a new payroll deduction order for that amount. Change the plan base to \$63,180.00.
2. Change the plan treatment for Ally Bank to receive a value of \$28,815.91 at \$551.00 per month with 5.5% interest as class 3.
3. Based upon this case having been recently confirmed the debtors request the Court to waive the requirement for a comparative budget under Local Rule 3015-2(a).
4. Leave all other provisions of the Chapter 13 confirmation order unchanged.

Respectfully submitted May 24, 2016.

/s/ J. Robert Harlan  
J. Robert Harlan - BPR No. 010466  
Harlan, Slocum & Quillen  
Attorney for the Debtors  
39 Public Square  
PO Box 949  
Columbia, TN 38402-0949  
Phone - 931/381-0660  
Fax - 931/381-7627  
[bob@robertharlan.com](mailto:bob@robertharlan.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have mailed a true and exact copy of the foregoing to Timothy Robert Tootle and Karen Lynn Tootle, to Victoria Ferraro, Esquire, Prochaska Quinn & Ferraro, P.C., 401 Church Street, Suite 2600, Nashville, TN 37219, to all creditors and any parties in interest, sent by Electronic Case Noticing to the Chapter 13 Trustee, Henry E. Hildebrand, III and to the U.S. Trustee's Office May 24, 2016. \_

/s/ J. Robert Harlan  
J. Robert Harlan  
Harlan, Pierce & Slocum

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

In Re:  
Timothy Robert Tootle  
Karen Lynn Tootle AKA Karen Martin;  
AKA Karen Guy  
Debtors

BK: 16-01424-RM1-13

**ORDER MODIFYING CHAPTER 13 PLAN**

This order is submitted to the Court by the debtors through counsel for the purpose of approving a Chapter 13 plan modification. A Motion was filed by the debtors and notice was provided to all creditors pursuant to Local Bankruptcy Rule 9013 and no timely objection was raised. The Court finds the motion should be approved.

IT IS, THEREFORE, ORDERED, the Chapter 13 plan is modified as follows:

1. The Chapter 13 plan payment is increased to \$ 243.00 weekly . The Chapter 13 Trustee will issue a new payroll deduction order on the wages of Timothy Tootle.
2. A new base is established of \$63,180.00 over 60 month plan.
3. The claim of Ally Bank shall be treated as a claim that is not subject to modification under section 506 (a “910 car claim”) to receive a fully secured value of \$28,815.91 with 5.5% interest and a payment of \$551.00 per month as class 3.
4. Based upon this case having been recently confirmed, the requirement for a comparative budget under Local Rule 3015-2(a) is waived.
4. All other provisions of the Chapter 13 plan confirmed April 20, 2016, remain unchanged.

**This order was signed and entered electronically as indicated at the top of the first page.**

APPROVED FOR ENTRY:

/s/ J. Robert Harlan

J. Robert Harlan - BPR No. 010466

Harlan, Slocum & Quillen

Attorney for the Debtors

39 Public Square

PO Box 949

Columbia, TN 38402-0949

Phone - 931/381-0660

Fax - 931/381-7627

[bob@robertharlan.com](mailto:bob@robertharlan.com)

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

In Re:

Timothy Robert Tootle  
Karen Lynn Tootle AKA Karen Martin; AKA Karen  
Guy  
Debtors

BK: 16-01424-RM1-13

CERTIFICATE OF COMPLIANCE

I, J. Robert Harlan, do certify that I have complied with the noticing requirement of Local Bankruptcy Rule 9013-1 by mailing, a copy of the attached document pertaining to Timothy Robert Tootle and Karen Lynn Tootle, to Victoria Ferraro, Esquire, Prochaska Quinn & Ferraro, P.C., 401 Church Street, Suite 2600, Nashville, TN 37219, to all creditors and any parties in interest, sent by Electronic Case Noticing to the Chapter 13 Trustee, Henry E. Hildebrand, III and to the U.S. Trustee's Office May 24, 2016.

/s/ J. Robert Harlan

J. Robert Harlan - BPR No. 010466

Harlan, Slocum & Quillen

Attorney for the Debtors

39 Public Square

PO Box 949

Columbia, TN 38402-0949

Phone - 931/381-0660

Fax - 931/381-7627

[bob@robertharlan.com](mailto:bob@robertharlan.com)

No. of copies mailed 32

No. of certified copies                     

/

TIMOTHY ROBERT TOOTLE  
264 JOHNS CEMETERY ROAD  
PULASKI TN 38478

KAREN LYNN TOOTLE  
264 JOHNS CEMETERY ROAD  
PULASKI TN 38478

J. ROBERT HARLAN  
HARLAN, SLOCUM & QUILLEN  
39 PUBLIC SQUARE  
PO BOX 949  
COLUMBIA, TN 38402-0949

SCOTT FARQUHAR MD  
C/O PROFESSIONAL DEBT MEDICAL  
7948 BAY MEADOWS WAY 2ND FLOOR  
JACKSONVILLE FL 32256

ALLY FINANCIAL  
PO BOX 380901  
BLOOMINGTON MN 55438

ASCENSION CAPITAL GROUP  
PO BOX 201347  
ARLINGTON TX 76006

AT&T  
C/O BANKRUPTCY  
1801 VALLEY VIEW LN  
DALLAS TX 75234

BESTWAY RENTAL  
104 NORTHWAY SHOPPING CENTER  
COLUMBIA TN 38401

CAPITAL ONE AUTO FINANCE  
7933 PRESTON RD  
PLANO TX 75024

CENTER ADVANCED SURG SOLUTIONS  
C/O NATIONWIDE RECOVERY SERVICE  
545 WEST INMAN ST  
CLEVELAND TN 37311

CHASE  
PO BOX 15298  
WILMINGTON DE 19050

CORPORATE CREDIT  
PO BOX 1140  
DUBLIN GA 31040-1140

COVINGTON CREDIT  
1187 W COLLEGE STREET  
PULASKI TN 38478

FARMERS HOME FURNITURE  
HWY 72 W 625B  
ATHENS AL 35611

FERRARO, VICTORIA ATTY  
WILLIAMS & PROCHASKA  
401 CHURCH ST SUITE 2600  
NASHVILLE TN 37219

GA CELL TISSUE  
COLLECTION BUREAU OF SOUTHWEST GEORGIA  
PO BOX 70398  
ALBANY GA 31708

GILES COUNTY GENERAL SESSIONS COURT  
PO BOX 678  
PULASKI TN 38478

HILLSIDE HOSPITAL  
1265 E COLLEGE ST  
PULASKI TN 38478

INSIGHT RADIOLOGY  
PO BOX 5000  
LEBANON TN 37088

LAWLESS & ASSOCIATES, P.C.  
SUITE 403, THE CUSTOMS HOUSE  
701 BROADWAY  
NASHVILLE TN 37203

MAIN STREET ACQUISITION CORP  
3950 JOHNS CREEK COURT  
SUITE 100  
SUWANEE GA 30024

MAURY REGIONAL EMERGENCY DEPARTMENT  
C/O REVENUE RECOVERY CORP  
PO BOX 2698  
KNOXVILLE TN 37901-2698

MENDELSON LAW FIRM  
PO BOX 17235  
799 ESTATE PLACE  
MEMPHIS TN 38187-0235

NATIONAL BANKRUPTCY SERVICES  
9441 LBJ FREEWAY  
SUITE 250  
DALLAS TX 75243



NPAS, INC.  
PO BOX 99400  
LOUISVILLE KY 40269

SECURITY FINANCE  
1012 MILL ST  
PULASKI TN 38478

SELECT PORTFOLIO SERVICES  
ATTN: BANKRUPTCY DEPT  
PO BOX 65250  
SALT LAKE CITY UT 84165

SMITH NORTHVIEW CAMPUS SGM  
C/O CBA TIFTON  
321 MAIN ST  
TIFTON GA 31794

SO TN REGIONAL HEALTH SYSTEMS  
PO BOX 99400  
LOUISVILLE KY 40269

SOUTH GEORGIA ANESTHESIA SPEC  
C/O ONLINE COLLECTIONS  
PO BOX 1489  
WINTERVILLE NC 28590

SUN LOAN  
211 VILLAGE SQUARE  
PULASKI TN 38478

VALDOSTA MEDICAL CLINIC  
C/O NATIONAL CREDIT SYSTEMS  
117 E 24TH ST  
NEW YORK NY 10010